

## **Chapter 8.12**

### **ABANDONED PROPERTY**

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#### **8.12.010      Nuisance designated.**

Motor vehicles or property abandoned in streets or public places, or on private property at complaint is prohibited and deemed a nuisance. No persons shall abandon, leave or place in any street, alley or public place in the city any motor vehicle or property of any kind; and no person shall permit any motor vehicles or property of any kind so parked, abandoned, left or placed to be or remain for more than seventy-two (72) hours in any street, alley or public place in the city, adjacent to or in the vicinity of his or her property or residence without reporting the same; and any motor vehicles/property heretofore or hereafter so parked, abandoned, left or placed in such street,

alley or public place, and any property heretofore or hereafter parked, abandoned, left or placed by any person on any private property of which report or complaint may have reached any department of the city is declared to be a public nuisance and an obstruction and menace to the public welfare, comfort, safety and health. (Ord. 367, § 1, 2002: prior code § 3.0108(A))

#### **8.12.020      Removal and abatement.**

The chief of police shall see to the removal of any property parked, abandoned or left or placed in any street, alley or public place in the city in violation of this section as soon as is reasonably possible after he shall have received a report of its presence. (Ord. 367, § 2, 2002: prior code § 3.0108(B))

#### **8.12.030      Expense made lien.**

It shall be the duty of the police department to take possession of any property parked, abandoned, left or placed on any public or private property in violation of this section, and if the same is believed to have any value, to keep it and make an attempt to find the owner thereof, and to retain any such article heretofore so taken by it. Until the same shall be claimed or otherwise disposed of the city shall have a lien thereon for the reasonable expense incurred or value and cost of the time and effort necessary in taking, removing or storing such article, and for the value of the storage and keeping thereof and may retain possession until any and all such liens are paid and discharged. (Ord. 367, § 3, 2002: prior code § 3.0108(C))

**8.12.040 Abandoned property other than motor vehicles.**

Sale and disposition of any property other than motor vehicles will be according to state law governing lost, abandoned or found property. (Ord. 367, § 4, 2002: prior code § 3.0108(D))

**8.12.050 Notice of impoundment.**

Within forty-eight (48) hours of the removal of a motor vehicle, the police department shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that the vehicle has been impounded and stored for violation of this action. The notice shall give the location of where the vehicle is stored and the cost incurred by the city for removal. (Ord. 367, § 5, 2002: prior code § 3.0108(E))

**8.12.060 Disposition of impounded vehicle.**

A. Upon removing the vehicle under the provisions of Section 8.12.090, the title to such vehicle shall be vested in the city, if after thirty (30) days from the date of such removal, the vehicle remains unclaimed. The proceeds of any such disposal shall first be applied to the costs incurred in the removal of the vehicle with the balance to be deposited to the credit of the general fund of the city.

B. Contents of Public Sale Notice. The notice of sale shall state:

1. The sale is of abandoned property in the possession of the city,
2. A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle;
3. The terms of the sale; and
4. The date, time and place of the sale. (Ord. 367, § 6, 2002: prior code § 3.0108(F))

**8.12.070 Public sale.**

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which shall be given to the purchaser, and a copy thereof filed with the finance officer of the city. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price. (Ord. 367, § 7, 2002: prior code § 3.0108(G))

**8.12.080 Redemption of impounded vehicles.**

The owner of any vehicle seized under the provisions of this section may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the impoundment lot operator of such sum as he or she may determine and fix for the actual and reasonable expense of removal and any preliminary sale advertising expenses of the city, plus daily storage for each vehicle redeemed. (Ord. 367, § 8, 2002: prior code § 3.0108(H))

**8.12.090        Liability of owner or  
                      occupant.**

Upon the failure of the owner or occupant of property from which abandoned vehicles have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expenses. (Ord. 367, § 9, 2002: prior code § 3.0108(I))

**8.12.100        Violation--Penalty.**

In addition to the provisions above, the penalty for a violation of this chapter shall be a fine not to exceed than Five Hundred Dollars (\$500.00). (Ord. 367, § 10, 2002: prior code § 3.0108(J))